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November 22, 2024

VIA ELECTRONIC FILING

The Honorable Naomi R. Buchwald
 United States District Court
 Southern District of New York
 500 Pearl Street
 New York, NY 10007

Re: *Mayor and City Council of Baltimore, et al., v. Credit Suisse AG, et al.*, No. 11-cv-05450 (S.D.N.Y.) (the “OTC Action”); *In re LIBOR-Based Financial Instruments Antitrust Litigation*, No. 11-md-02262 (S.D.N.Y.)

Dear Judge Buchwald:

I am counsel for UBS AG (“UBS”) and write, pursuant to Rule 2.H of Your Honor’s Individual Practices, on behalf of all remaining Defendants in the OTC Action¹ to respectfully request permission to file under seal the memorandum of law and accompanying materials in support of both (1) Credit Suisse, NatWest, and UBS’s opposition to Plaintiffs’ October 4, 2024, motion for class certification (ECF No. 4190); and (2) Bank of America and JPMorgan’s motion for class decertification (collectively “Defendants’ Class Certification Briefing”).

Defendants’ Class Certification Briefing contains a substantial amount of material that has been designated Confidential or Highly Confidential pursuant to the Amended Stipulation and Protective Order, dated May 12, 2016 (ECF No. 1405), including commercially sensitive business information of Defendants. If such information were to be made publicly available, Defendants and others could be disadvantaged. *See e.g., In re Parmalat Sec. Litig.*, 258 F.R.D. 236, 244 (S.D.N.Y. 2009) (“Notwithstanding the presumption of public access to judicial records, courts may deny access to records that are ‘sources of business information that might harm a litigant’s competitive standing.’” (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978))).

Accordingly, and pursuant to Your Honor’s Individual Practices, the Court’s ECF Rules & Instructions, and the Court’s Order dated September 27, 2024 (ECF No. 4136), Defendants’ Class Certification Briefing is filed herewith entirely under seal. Within 14 days, Defendants will file Defendants’ Class Certification Briefing with redactions on the public docket and a

¹ The remaining Defendants are UBS; Credit Suisse AG (“Credit Suisse”); NatWest Markets plc (f/k/a The Royal Bank of Scotland plc) and NatWest Group plc (f/k/a The Royal Bank of Scotland Group plc) (collectively, “NatWest”); Bank of America Corporation and Bank of America, N.A. (collectively, “Bank of America”); and JPMorgan Chase & Co. and JPMorgan Chase Bank, N.A. (collectively, “JPMorgan”).

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second complete set of the same, with any redactions highlighted, under seal, as required by Section 6.8 of the Court's ECF Rules & Instructions.

We thank the Court for its attention to this matter and stand ready to answer any questions the Court may have.

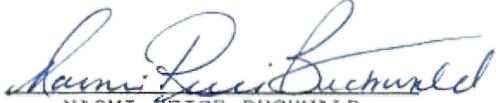
Respectfully submitted,

/s/ Jefferson E. Bell

Jefferson E. Bell

cc: All counsel by e-filing

Application granted. **So ordered.**


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Dated: November 26, 2024

New York, New York